

TOWN BOARD
NOVEMBER 28, 2007

A regular meeting of the Town Board of the Town of Bethlehem was held on the above date at the Town Hall, 445 Delaware Avenue, Delmar, NY. The meeting was called to order by the Supervisor at 6:00 p.m.

PRESENT: John H. Cunningham, Supervisor
Daniel Plummer, Councilman
Samuel Messina, Councilman
Kyle Kotary, Councilman
Joann V. Dawson, Councilman
Kathleen A. Newkirk, Town Clerk
James T. Potter, Esq., Town Attorney

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Supervisor Cunningham invited the Bethlehem Central Girls Swim Team to lead everyone in the pledge of allegiance. He congratulated the team and presented a proclamation to each member of the Team noting they were undefeated during the season. He noted this was the second consecutive years that the Lady Eagles have attained this distinction.

The Supervisor welcomed everyone to the Town Board meeting. He said the mike system is being worked on again and he thinks it will work correctly this evening. He asked if there were any comments on agenda items.

Mr. Robert Jasinski, Bender Lane, said he had inquired before about the water system and everything with New Salem. He noted there was an update on wells on the agenda. Supervisor Cunningham said that was off the agenda for this meeting. He said it will be on the agenda at the next meeting.

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Mr. Norman Moran said there are a lot of students who come to these meetings and items on the agenda are not understood so he said it would be nice if a brief explanation was given of what the items are other than just voting on them. He said at the last meeting, couple of the youth came up and asked them what are some of these things about. He told them he knows as much as they do. He suggested a brief explanation be given -- he said he knows some of them are self-explanatory and he understands that -- but other ones would be a lot better for the students to understand what is going on. Supervisor Cunningham thanked Mr. Moran and said he would try to do that on all the items.

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Supervisor Cunningham asked if there any other comments on agenda items. There were none. He said there is about 5 minutes before the public hearing starts so he proceeded with the agenda items.

The first item was a request to authorize Supervisor to enter into Municipal Fire Training Agreement with Elmwood Park Fire District, Slingerlands Fire District, Elsmere Fire District, Delmar Fire District and Selkirk Fire District for the year 2008. Supervisor Cunningham said this is an agreement between the Districts in the Town of Bethlehem for use of the Kevin M. Shea Fire Training Tower at the end of Kenwood Avenue. He said this is an agreement between the Town and those fire companies to use that facility.

The motion was made by Mr. Plummer and seconded by Mr. Kotary to authorize Supervisor Cunningham to sign the Municipal Fire Training Tower Agreement with the Elmwood Park Fire District, Slingerlands Fire District, Elsmere Fire District, Delmar Fire District and Selkirk Fire District for the year 2008. The motion was passed by the following vote:

Ayes: Mr. Cunningham, Mr. Plummer, Mr. Messina, Mr. Kotary, Mrs. Dawson.
Noes: None.
Absent: None.

The following item was a request from Comptroller, Judith Kehoe, for approval of 2008 Sewer Assessment Rolls. Mrs. Kehoe said this is related to the budget process. She said this is the approval of the rolls that were available for public inspection. She said this covers the front footage values on everybody's parcels and that's one of the basis upon which the taxes are levied. She said the hearing was an opportunity for residents to comment on that and noted there were no comments at the public hearing. She said the action tonight is just to formally approve those rolls which will then be the basis for the tax levy.

The following resolution was presented for adoption:

WHEREAS, assessment rolls for the year 2008 have been prepared by the Town Board for and in connection with the Bethlehem Sewer District, the Special Sewer District No. 1 and the South Albany Sewer District, which said rolls were completed and filed with the Town Clerk of said Town, and

WHEREAS, due notice of the completion of the assessment rolls and of the time and place when and where this Board would meet to hear and consider any objections that might be made to said rolls and for the purpose of reviewing, correcting and amending the same, was duly given by the Town Clerk by publication of due notice in THE SPOTLIGHT, a newspaper published in the County of Albany and the Town Board met at the time and place specified, and the hearing was duly had upon said assessment rolls,

NOW, THEREFORE, BE IT RESOLVED, that said assessment rolls be and they hereby are approved, affirmed and adopted by the Town Board as filed.

The foregoing resolution was presented for adoption by Mrs. Dawson, seconded by Mr. Messina and duly adopted by the following vote:

Ayes: Mr. Cunningham, Mr. Plummer, Mr. Messina, Mr. Kotary, Mrs. Dawson.

Noes: None.

Absent: None.

The next item was consideration of adoption of the 2008 Service Agreement between the Town and the Town of Bethlehem Industrial Development Agency. Supervisor Cunningham explained this is an agreement between the Town and the IDA that is executed each year for the Town provided services to the Town IDA in the way of staff support. This action officiates the relationship between the Bethlehem IDA and the Town of Bethlehem.

The motion was made by Mr. Messina and seconded by Mrs. Dawson to approve the adoption of the 2008 Service Agreement between the Town of Bethlehem and the Town of Bethlehem Industrial Development Agency. The motion was passed by the following vote:

Ayes: Mr. Cunningham, Mr. Plummer, Mr. Messina, Mr. Kotary, Mrs. Dawson.

Noes: None.

Absent: None.

The following item was a request from Chief of Police, Louis Corsi, for acceptance of donation for DARE in the amount of \$10.00 from Nancy Farr.

The motion was made by Mr. Plummer and seconded by Mr. Kotary to approve the acceptance of a DARE donation in the amount of \$10.00 from Nancy Farr and requested by the Chief of Police, Louis Corsi. The motion was passed by the following vote:

Ayes: Mr. Cunningham, Mr. Plummer, Mr. Messina, Mr. Kotary, Mrs. Dawson.

Noes: None.

Absent: None.

The next added item was a request from the Chief of Police for acceptance of a donation for DARE from Bethlehem Memorial Auxiliary VFW #3185 in the amount of \$115.00.

The motion was made by Mrs. Dawson and seconded by Mr. Kotary to approve the acceptance of \$115.00 for DARE from Bethlehem Memorial Auxiliary VFW #3185 as requested by Chief of Police, Louis Corsi. The motion was passed by the following vote:

Ayes: Mr. Cunningham, Mr. Plummer, Mr. Messina, Mr. Kotary, Mrs. Dawson.

Noes: None.

Absent: None.

The last item on the agenda was a request from Supervisor Cunningham to cancel December 26, 2007 Town Board meeting. The Supervisor said this is the day after Christmas and he thought a lot of people will not be available.

The motion was made by Mr. Plummer and seconded by Mrs. Dawson to approve the cancellation of the December 26, 2007 Town Board meeting. The motion was passed by the following vote:

Ayes: Mr. Cunningham, Mr. Plummer, Mr. Messina, Mr. Kotary, Mrs. Dawson.

Noes: None.

Absent: None.

Hearing began: 6:15 p.m.

SUPERVISOR CUNNINGHAM: We will start the public hearing on the VanDyke Spinney project.

The reading of the call of the hearing was waived on motion by Mr. Plummer and seconded by Mr. Kotary with direction to indent the Notice of Public Hearing, Affidavit of Publication and Affidavit of Posting on the minutes of the meeting. The motion was passed by the following vote:

Ayes: Mr. Cunningham, Mr. Plummer, Mr. Messina, Mr. Kotary, Mrs. Dawson..

Noes: None.

Absent: None.

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TOWN CLERK NEWKIRK:

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the Town Board of the Town of Bethlehem, Albany County, New York will hold a public hearing on November 28, 2007 at 6:15 p.m. at the Town Hall, 445 Delaware Avenue, Delmar, NY to consider amendment to the Code of the Town of Bethlehem, Section 128-13, Zoning Map, Town of Bethlehem, for Proposed Planned Development District, Van Dyke Spinney, Van Dyke Road, Delmar.

All parties in interest and citizens will have an opportunity to be heard at the said hearing.

The Town of Bethlehem provides reasonable accommodations for the disabled. Disabled individuals who need assistance in order to participate should contact the Town Clerk's office at 439-4955, ext. 1183. Advanced notice is requested.

BY ORDER OF THE TOWN BOARD

TOWN OF BETHLEHEM

Kathleen A. Newkirk, MMC, RMC

TOWN CLERK

STATE OF NEW YORK)
COUNTY OF ALBANY) ss.:

KATHLEEN A. NEWKIRK, being duly sworn, deposes and says that she is the Town Clerk of the Town of Bethlehem, Albany County, New York and the attached Legal Notice was published in the Town's legal newspaper, The Times Union, on October 24, 2007 and that I posted the Notice of Public Hearing on October 26, 2007 on the sign board of the Town maintained pursuant to subdivision six of Section thirty of the Town Law.

/s/ Kathleen A. Newkirk
Town Clerk

Sworn to before me this
27th day of November 2007.
/s/ Julie S. McNeil
Notary Public

SUPERVISOR CUNNINGHAM: First is Mark Dempf.

MR. DEMPFF: Good evening, thank you. Board Members, my name is Mark Dempf. I'm with Stan Tech Consulting and I'm here representing the developers of the VanDyke Spinney project.

Just by a little bit of background, tonight I just want to talk a little bit about a project vision, description obviously of the project, benefits of what a Planned District is which is what we are requesting from the Town Board and of course, the affects that we have been working on and impacts that we've been working with the Planning Board over the past probably 6 or 7 years.

Project vision – we started out looking at several – 5 of 6 years ago under the old zoning trying to develop a project that would address needs of seniors. The zoning changed and so did our philosophy a little bit where we wanted to talk and address the situation in the Town of Bethlehem regarding not just seniors but active seniors. Individual residences for seniors who are outgrowing their houses, rental units for people who are outgrowing their houses and something that is aesthetically pleasing but actually alleviates the older people and/or what we are considering older, 55 and up of the chores of home ownership.

The site is located along VanDyke Road about 800 feet south of Vadney Road. It was formerly known as the Leonard farm. It's bounded on all sides by residential land and again the high school is here. The construction of the new school is here and the project site is located here. It actually envelopes 4 residential properties that are along VanDyke Road and it's located in and surrounded by a residence A zone. The existing site consists of about 92 acres. The Phillipin Kill runs through the site from the northwest to the southeast, as you can see on this map here. There's steep slopes on both sides of the Phillipin Kill throughout and this is kind of a shot of the Phillipin Kill. In the southern portion there are lands west of VanDyke mostly wooded.

There are wetlands, no DEC wetlands, and there's probably a total topographic relief of about 50 feet from the highest to the lowest point on the site. The main area that we are talking about as you see here is actually an old farm field again formerly the Leonard farm.

The character of the surrounding area – it's a residential A zone with mostly single family residences and some farm land. We talked about enveloping a couple of residential homes and as you can see in this photo and basically located in this area right here there are 3 residences. There is a rural light industrial zone about a quarter mile south and it actually cannot be seen from the project site. The Town park is about a half mile east and lastly, there is a lightly wooded area at the north end near the bypass extension as you are approaching the field.

The proposed project will have approximately 229 units. These are rental units for seniors 55 and older. We like to consider this to be a small village setting. There's

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about 300 off street parking spaces included with some of the garages and most importantly on the project site the Mohawk Land Conservancy has asked us if we would assist them in continuing part of their connection along the Phillipin Kill for a portion of the project.

The residential building features -- we're planning on having 800 to 1400 square feet. They are 1 and 2 bedroom units and... or 1 bedroom with a den. Some of them will have garages built right in, fully equipped kitchens and each unit will have a porch and a patio for that at-home feeling.

This is our concept as it stands today. We've had many renditions that the Board and the Planning Board have seen and I think that we're getting pretty close to something that resembles, what we call, the craftsman's style that we find in old Delmar. There will be mainly single story units but there will be some... several 2 story units in the project. This is kind of a rendering of what the interiors we're planning on looking like.

And, there is also a plan for the site... a community center or what some people want to refer to as a clubhouse. There's... we're still in the design phases on this but somewhere around 4,000 square feet in total area and it's going to consist of 2 floors. Some of the normal things -- if you've been to Adams Station -- you'll see there are conference rooms, a great room but one of the things that we're working with the Planning Board and a suggestion that we have made is because of the location of these units and the fact that they are mainly for 55 and older residents, we thought that it might be kind of neat to have some type of apartment complex or several apartments in this building where visitors or family could come and visit and not really impinge upon the seniors themselves but stay for a day or so. And, kind of the way it would work is each unit or each member or apartment dweller might have say a day or so a year, 2 days, that they could have some of their relatives come and visit and stay outside of their own unit. And, this is a rendering of the...

So, the need for senior housing -- one of the challenges that Town of Bethlehem is facing is the existing housing options in and around Delmar. There is old Delmar, mostly single family homes. There is some newer projects, larger homes -- Haswell Farms, Carriage Hill, etc. -- these items have significant impacts on the school and the services that we have in the Town. So, what are we looking at. We're looking at the fact that there is little or no housing specifically designated for healthy, active seniors. We have a couple of projects in Town where seniors will gravitate towards -- Chadwick Square and Walden Fields being one of the newer ones.

We also needed to look at what is the compatibility -- we went through a whole comprehensive plan review and a whole zoning review and we were very concerned about what the compatibility is with the comprehensive plan. And, there are several chapters directly pointed to what we are looking at, what we're looking at with the comprehensive plan and the fact that there are sections 3.3, 4.3 and 4.12 where they specifically look to us somewhere, somehow to provide for different type of living style.

So, we're asking the Town Board to set aside a Planned Development District for us. Obviously, what are the benefits to it. We can have a certain density. We can cluster things. We can save some of the green space and what we're looking at is there will be very little impact on the school system as we see it in a negative manner.

So, what are the other planned districts that are within the Town of Bethlehem. Well, there is quite a few of them and we will just let them flash for a while but as you see, the key theme to each one of these is they're apartments and/or dwelling units that are not really restricted... not restricted to the senior 55 and above market that we're looking for so, not to deny the fact that there are some. We have Delmar Place, we at least have Beverwyck, Good Samaritan Nursing Home has a few apartments and of course, lastly there is the Marie Rose Manor that has some low income apartments.

So, we feel that we are heading in the right direction and now that we've kind of given you our vision, what is the impact of our project. Aesthetics – one of the most... one of the largest concerns we dealt with with the Planning Board is what is our project going to look like. We had come up with a lot of different ideas and in the beginning some of them looked as if they were kind of army barracks when we had all single story units and it just... it wasn't something that the Planning Board was very interested in. Then we went to some more traditional colonial style and that really... there's a lot of that around Delmar. So, the next thing that we looked at was going into the craftsman's style which is what I showed you a little earlier.

In addition to that, the development of the area was a very large concern and keeping our footprint tight to about 32 acres of the site was important to us. And then, of course, at one of our meetings that we had with the general public, we discussed lighting... lighting levels and I think that one of our goals here is to stress that each of the dwellings that we are talking about are going to have porch lighting and a yard light or a sidewalk light in front of them. And, that really is going to be the focus of the lighting on the site. Obviously, we'll need some in some of the areas that are for general parking but down, shielded lighting and things like that are really what we are looking for to be very tight knit development.

There are some historic and archeological items that were found on the site through our studies. There is what they call the Bratt Oliver house which is located right here on the site, it is the old farm house. Through Spo they recommended that we do some investigations in the architecture of it and what we are working with them now is to actually just preserve the house itself and continue to use it in the manner that it's being used. There was one other site in the back of the field that was found and this was found to have some artifacts that were considered to be of historic or archeological in nature and they recommended that we stay away from... avoid this portion of the site. And, that is what we are doing.

Stormwater management – we've listened to some of the residents in the area and they've talked to us about what they considered to be some of the issues that have come up with stormwater management through other developments. It's our plan to contain our stormwater all on site and what we've done is we've actually developed a series of ponds or pools and swales that will actually convey water around the site so it's not actually stored but then discharged at a rate less than what is happening actually on the site or going off the site today.

There was a concern or a discussion on what was... what was the pond area going to look like and there was a concern on some of the how deep would it be and how we are going to treat that. In general, the DEC is recognized benched areas where there would be some growth and then it would be 4 to potentially 6 foot deep swale. Again, this is our section of how we see some of these things happening.

Wetlands – there is about 4 acres of wetlands on the site. It is under Army Corps jurisdiction and we will be impacting a little more than a half an acre so we will be getting an individual... applying for an individual permit and we will be mitigating on site. There are 3 main wetland areas on site. This one here, this area here and then over by the culvert in the area over here. I have other maps so if anybody wants to come up after the meeting we can take a look at that.

Site impacts – in general we have the normal construction and grading impacts. Landscaping – we are proud that we are only disturbing about 32 acres of the site and we do... are maintaining the slope areas and there will be no impacts in the deep slope areas.

We have located... we are located outside of existing water and sewer districts. Our demand for water is approximately 60,000 gallons a day and the average demand for sewers about 34,000 gallons a day. It's our plan to extend both the water and sewer districts and to connect a new sewer line down VanDyke Road into the existing sewer system here. And, it is our plan to connect a new water line and connect in from of the bus garage and also loop it back to the Adams Station area where we will form a continuous loop.

Transportation – in general when we looked at the... we did a traffic study that projected 2004 traffic to 2007, we feel that the impacts are going to be small. Trips generated in and out in the morning are about 50 to 55 and in the p.m. they will be 80 to 90 trips. We have some minor increases in delay at any of the intersections we looked at, however, we don't feel that they will be anything that will require any additional remediation to the intersections except for the fact that we are looking very hard right now with the Town at the intersection of VanDyke Road and Meads Lane. While we don't feel that there is a "traffic impact", it is obvious that there are physical constraints to the existing intersection as it is. So, we are working on 3 or 4 different alternatives on how to change the grade in that area and how to bring that intersection up to standards.

Public services – I've talked with the Police Department and Fire Departments and while, obviously, there is always additional services or additional calls to these areas, they feel that they can handle anything that is generated out of the units that we are proposing.

And with that, I'd like to open it up to any questions from the Board or the public.

SUPERVISOR CUNNINGHAM: Thank you. Board have any questions for Mark? Turn your button on.

COUNCILMAN KOTARY: Yea. Am I on now? Yes. Okay.

Could you talk a little bit more about parking and sort of how the parking will fit in? And, I see maybe you have that on your map. Sidewalks and then also address the 60... roughly 60 acres of preserved land in terms of access – will it be connected with paths or sidewalks?

MR. DEMPFF: In general the parking associated with each of the units as you can see from one of the renderings anyway, most of the parking will be handled directly with each of the units. There are some areas though where the units are configured in such a way we've actually put the parking either on the side or we've put it in some different areas, okay, close enough to the units where you can walk but not major expanses of parking. The idea here is, obviously, you want to keep the parking as close as you can and, obviously, people would like to have covered parking. So, that is item 1.

Sidewalks – internal to the project we have a series of trails, okay, but that is not the sidewalk system. The sidewalk system internal to the... between the buildings and things like that will be along the road. Most importantly we are proposing to continue the multi-purpose trail in front of the site, an 8 foot multi-purpose trail similar to what's running along VanDyke Road and up through the bypass extension.

Thirdly...

COUNCILMAN KOTARY: Oh and then the additional acreage, the access.

MR. DEMPFF: Oh, the additional acreage. Right now we are looking at this acreage here and this acreage here and working with the Mohawk Hudson Land Conservancy. Again, they are very interested mainly in this area over here because it connects to or potentially connects to some of the other areas that they have. There isn't any formal trail system as of yet. In fact, when we went out and walked the site with Mohawk Hudson probably 3 weeks ago, they asked us not to put anything on the plan in this area here specifically because they didn't want to be committed to something they felt might be a little too aggressive, so to speak. They are very interested in this area along here which there is somewhat of a flat area which was very traversable. They don't have any real definitive plans and, in fact, they actually asked us to remove this parking area that we were showing because it's not necessarily in character with what they typically do.

COUNCILMAN KOTARY: Okay, one more question. Time frame and I apologize if you already went over it. What is sort of your build out timeframe

plan right now as you...?

MR. DEMPFF: We're only planning 1 phase of build out right now. And again, dependent on the process as we go through now, we still have obviously this Board but we still have site plan approval. We have to get into the details.

COUNCILMAN KOTARY: What would be phase 1 on the map.

SUPERVISOR CUNNINGHAM: There is only 1 phase.

COUNCILMAN KOTARY: Okay, I thought he said phase 1 meaning there were going to be other phases.

MR. DEMPFF: No, it is 1 phase, just 1 phase. Right.

COUNCILMAN KOTARY: Okay, thanks.

SUPERVISOR CUNNINGHAM: Sam, did you have a... are you done?

COUNCILMAN KOTARY: Yes.

COUNCILMAN MESSINA: Kyle, are you done?

COUNCILMAN KOTARY: Yes.

COUNCILMAN MESSINA: Yea, first of all I am please to see any diversity for seniors. That is a good thing and I am glad the Planning Board and the planning staff have been working on that with you. Couple of questions – you're economic data, the analysis that you did indicate to you that these 229 rental units will be demanded. They are all rental, are they not?

MR. DEMPFF: That's correct. The... I'm not that great at citing the specifics of the marketing but I will say yes, the marketing that we've shown or that has been done to this shows that there is this type of demand for this type of housing.

COUNCILMAN MESSINA: I know we're out a couple of years in terms of build out and availability even with 1 phase and I'm just asking for a general range of monthly rental that you might see your 1 and 2 bedroom, 1 and 2 story going to, just a sense of that.

MR. DEMPFF: What we are looking at right now and it's kind of changed a little bit since we first developed the plan about 3 or 4 years ago but we are looking at about \$1.15 to \$1.25 per square foot. \$1.25 for the 2 story units.

COUNCILMAN MESSINA: And, the 2 story units will be how many square foot roughly?

MR. DEMPFF: Probably 1200 to 1400.

COUNCILMAN MESSINA: I missed this in your presentation perhaps but did you say – I know this is targeted at, I believe, folks 55 and older...

MR. DEMPFF: That's correct.

COUNCILMAN MESSINA: Is there any sort of association deed or other requirement that one of the owners be... or one of the renters be 55 or older or not.

MR. DEMPFF: The... anybody, I believe, who lives here has to be 55 or older. This is not meant for somebody who is 55 to bring their family in.

COUNCILMAN MESSINA: Okay. So they do have to be 55 and older.

MR. DEMPFF: That's correct.

COUNCILMAN MESSINA: Thank you.

SUPERVISOR CUNNINGHAM: Any other questions from the Board?

COUNCILMAN KOTARY: I actually have a question for George. If I can just ask him in terms of the planning development district, now this being used as a zoning tool – I was just wondering if you could comment a little bit from our perspective as to why this particular zoning tool works in this area and works sort of in general.

DIRECTOR LEVEILLE: The floating district... the floating Planned Development District obviously can reside virtually anywhere in Town that you choose it should go. And, during the comprehensive plan process we were certainly aware of this project but we also recognized that the PDD was the proper tool to advance it rather than zoning it for multi-family and the like. This provides the Town Board with the determination of the actual zoning for the property with the advice and recommendation of the Planning Board and it also allows you to utilize the age restriction tool that we established in the zoning law that will require that all residents here are at least 55 years of age. So, it's really a good tool to help us meet the demand for senior housing which we identified in the Comp Plan and it allows the Town Board to really establish the zoning for this project to ensure that that goal is accomplished.

SUPERVISOR CUNNINGHAM: Any other questions from the Town Board? Okay. The public part of this public hearing, I'll ask each person that comes up to comment to please give your name and address prior to asking your question or making your comment for the Town Clerk's records. First is Marie Capone. Do you have her address:

TOWN CLERK NEWKIRK: Yes.

SUPERVISOR CUNNINGHAM: We've got your address, Marie.

MRS. CAPONE: My name is Marie Capone and I live across the street. Did you see in today's paper they have that this builder did it in Guilderland and it was modest, \$250,000 to \$300,000. Look at the how many senior here are going to go for that. Did you do a traffic survey? This is a 2 lane road and you are bringing all those people in. Did you do any type of traffic survey?

MR. DEMPFF: Yes, we did. We did one in 2004 projecting to build in 2007 and as part of our site plan review process we've actually been asked to reexamine the traffic study that we've already done and we're actually proposing to take new counts within the next 3 to 6 months, whatever timeframe permits. We are going to redo the traffic study also.

MRS. CAPONE: You are going to have something in your favor. The gas station at the corner of the street has been sold to a drug store.

SUPERVISOR CUNNINGHAM: Thank you, Marie. Can I ask everyone please speak into the microphone so Kathy can pick up your... so people in the back can hear and also that Kathy can get your comments on the records.

MR. DAVIS: My name is Bruce Davis. I live at 159 VanDyke Road. I'm a lifelong resident of the Town of Bethlehem and I have lived and owned property on VanDyke Road for over 20 years. I am an Aerospace Development Expert for the State of New York and specifically in the area of transportation.

This type of development what we are looking at in the eyes of my profession is what we would consider an urban/suburban type development, not a suburban agricultural or suburban rural. I'm going to focus most of the comments I have tonight pertaining to the traffic. We're looking at 229 units of 55 and older which could potentially put 450 vehicles into that development. Seniors go out routinely. We have several seniors on our street today that travel regularly.

This road, the Town owns very little right-of-way. Most of the right-of-way is in private hands and we are talking in some cases a minimum of 4 foot of right-of-way owned currently by the Town of Bethlehem. There is a blind curve on the road that has been the scene of numerous accidents, one as recently as 2 weeks ago. It is not uncommon to get up in the morning and have a car off the road because in many cases the edge of pavement is top of ditch. There are no stable shoulders on VanDyke Road and this is what has lead to a premature deterioration of the road itself. You can take a drive out there and I urge all of you to do that and you will actually see where the pavement is actually failing.

We have inadequate clear zones because of lack of right-of-way. And, this is a major concern when you are developing. Coming out toward the collector roads have limited sight distances. The one that is coming out of the blind curve and the one that is at the top of grade. I bring this up because when... this is a planning document that is provided by the Michigan State Police and just so you understand it takes a 60... an average 60 year old requires 10 times the light to see. Now, many seniors recognize that and they don't drive at night. So that is a good thing, however, and I hate to say this because I'm over 40, but at 40 it takes a 40 year old driver as many as 3 seconds longer to focus, meaning if you look down at your dashboard -- in this case at a 30 miles per hour road -- that means that is 130 feet that car will travel before that senior can refocus.

Seniors over the age of 55 begin to lose the ability to see the color red -- very brutal when you are talking about stop signs, brake lights, and everything red. More importantly is the loss of peripheral and depth perception. So, when we are talking about limited sight distances we must take this into account when we're doing Planned Developments involving seniors. Seniors are one of our growing problem drivers in our society. Here we are putting them on a collision course with the second group of problem drivers, our teenagers.

We are reminded tragically this weekend of what happened on Meads Lane. Again, when you have limited sight distances, when you have inadequate clear zones. We have many deadly fixed objects in the right-of-way. We have phone poles there, guide rails that are literally inches off the right-of-way and while this developer may own property on the west side of VanDyke Road, he owns none on the east in the area of the blind curve.

This developer, the only option the Town would have would be to exercise its rights of eminent domain to come in and negotiate, map, survey and compensate the landowners to bring the right-of-way up to code. I don't think that Town should have to do that to profit this particular development. At the very least, the developer should be required to donate adequate right-of-way to the Town of Bethlehem should this road require realignment at some point in the future.

We talk about the wooded area which brings up another situation when it was a planned... when there was a development rather at the intersections of Kenwood and New Scotland in the Town of Bethlehem years ago. That developer well within their rights took down many old growth trees. There was public outcry and during that process the Town, which may no longer adopt that policy, said that they were going to do extensive light... extensive research or reviews, rather, to try to preserve forested areas. If he's putting in an 8 foot bike path which is going to be... generally you would have your edge of pavement, 2 foot snow storage, 8 foot path, 2 foot more storage... snow storage, minimum set back off VanDyke Road of 35 feet, there's not going to be a tree left on that road. He just can't get this type of density in there and get that available and leave any... any forested areas. So, it would all have to be replanted.

The other thing that I haven't heard from this is any talk about the bicycle traffic. This road is a heavily used bicycle route. It's used by 2 different classes of riders. You have your casual, recreational family rider -- they tend to use the dedicated path, they tend to... you know, ride slower and you have your more serious rider and they come in packs of anywhere between 5 and 50. Unfortunately they ride multiple riders abreast. They ride at high speeds. They don't use dedicated bike paths. This is one reason the State adopts a policy when we do highway projects to

try to incorporate bike lanes in the travel roadway itself. It's safer but in planned developments if you look at the State of Florida and other states, bicyclists and seniors do not fare well. There is a high rate of accidents in that case.

The utilities I am worried about because he lacks right-of-way and how's he going to get the utilities with the required separation of water, sewer and gas. Again, he's got no land on the east side of VanDyke to work with to get those services out to the area.

So, when we are looking at all these and this is one of the frustrations... there has not been a lot of public outreach at this point and in trying to talk to the Town and work with the Town, there seems to be more questions than answers yet we're here at a public hearing entertaining an idea of a change in zoning. One that will, obviously, have adverse impacts on the Town, have an adverse impact on that particular neighborhood.

When I talk about an adverse impact, I'm going to quote Leslie Loomis. Leslie Loomis sent a letter, an open letter to every resident of the Town a few years back. This is the same trouble... the same problem the City of Albany faces and communities around the country. Residential high density developments, no matter what income level, do not generate sufficient enough taxes to pay for the burdens they place upon the Town. We're talking about extending a water and sewer district and I'd have to ask Supervisor Cunningham... we still have mandatory water restrictions in Town yet we're hearing there's plenty of water. We buy large quantities from the City of Albany. The City of Albany have some pretty aggressive economic development plans. If they come into being, I'm not sure that water's going to be available or available at what cost. Our sewer system according to Town staff members is aging. It's reaching a breaking point.

So, I think when we look at what you've written to all the Town residents when you sent out your comprehensive plan, we need to look at SMART growth. We need to be consistent with our neighborhoods. We need to look at a development that integrates itself not segregates it. I know some people will say with... talking about berms and what not, well that segregates a community. My understanding all these roads are privately owner. This is a privately owned community... it's in essence, a gated community. No one has a right to go in there except those that live there or are invited. It's not integrating itself. I would think the Town would want to look at a mixed use and yet residents and seniors, we have a group home out there and that works well. But, to build just another large scale development away from services encourages driving. Very few people are going to be able to walk to this development to a single Town service which his going to mean that the majority of people that are looking to live here will have to have vehicles. Are they going to have RVs?

And then finally, has the Town or have any responsibility to look into the solvency of the developer? Many developers undertake such projects, run into financial difficulty, sell the projects for one reasons or another. What is the Town's position or responsibility when it comes to those types of issues?

Maintenance, upkeep – who's going to enforce that only 55 year olds live there? There are test cases around the country in the courts today where there have been seniors who have taken in children and grandchildren and face eviction. Eviction, I do in my job. It is a very difficult task to undertake.

So, I think we need to sit there... I'm not against developing the property but I think we shouldn't have to isolate as we've done 2 parcels there. You can see, it is in essence spot zoning. We're creating these 2 zones pocketed against the rest of the neighborhood.

It's still an agricultural area too. There is still active farmland out there but with that I'm just hoping the Town and urging the Town that we develop this property responsibly. Thank you.

SUPERVISOR CUNNINGHAM: Thank you, Mr. Davis.

MR. GREER: Hello, my name is Bill Greer. I own land on both sides of the...

SUPERVISOR CUNNINGHAM: Bill, your address is?

MR. GREER: On VanDyke Road I'm telling you I own property on both sides of the road there. I don't know how much of a traffic study you did.

GENTLEMAN: Talk into the mike, please.

MR. GREER: Oh. I don't know how much of a traffic study you did but I've been living there for 35 years and we take... I don't know how many people a year out of a ditch, knock a phone line down -- them roads are too narrow to handle.

Now listen to me, you got the high school kids, God bless you because I was a kid too once coming up in the morning. You got the trucks that miss the bypass, the turn on the bypass coming down -- at least 1 or 2 a week coming down. You got 400 more seniors and you got bus drivers all on that little road. Now, you know what a guide rail is on the curve there? You been out there, I know you have, well if you go to that guide rail you look... it's straight right down. There is no room, no shoulders, no nothing. Where they going to get the land to put this road in? And, you cannot put a development in there... this size in there and not expand or widen that road. Never mind the intersection at the top of the hill.

And, the other thing I want to ask -- what about the land, other house I heard was going to go out there? Where's that part? They were going to build other houses out there? Like right across the street from the vacant land?

MR. DEMPFF: Right here? Not part of this.

SUPERVISOR CUNNINGHAM: That's not part of this public hearing or anything.

MR. GREER: Oh, that's not part of this. But it's going to be coming up right?

SUPERVISOR CUNNINGHAM: I don't know anything about it.

MR. GREER: I mean they're proposed, right? Are they proposed?

SUPERVISOR CUNNINGHAM: Is there anything before the Planning Board there?

PLANNING BOARD CHAIRMAN: There is discussion about whether... what happened

TOWN CLERK NEWKIRK: I can't hear him, he's got to come to the mike.

SUPERVISOR CUNNINGHAM: There's nothing before the Planning Board right now on that.

MR. GREER: And, there's nothing on Meads Lane that I see up there? That's the same thing, those houses are....

MR. DEMPFF: That would be another development.

MR. GREER: Now another question, I don't know if you addressed this, Bruce and by the way, Bruce did a good job.

When... If this thing don't work out, what happens? I mean if you don't sell it to seniors or rent I to seniors, what happens? I mean can they turn around and rent it to somebody else?

SUPERVISOR CUNNINGHAM: No, they are not allowed to.

MR. GREER: Who polices that, you? The Town, who polices it?

SUPERVISOR CUNNINGHAM: I believe the developer would be responsible for making sure...

MR. GREER: Oh the developer, himself, polices his own... you know putting people under 55 in there?

SUPERVISOR CUNNINGHAM: The Building Department would also. If there was an issue, the Building Department would be involved also.

MR. DEMPFF: under the zoning regulations.

MR. GREER: Now, will there be water and sewer offered to the rest of the residents down there?

MR. DEMPFF: That is the plan, yes.

MR. GREER: And, gas?

MR. DEMPFF: Yes.

MR. GREER: Now, they put the laterals up to your land or they put them on the other side of the road? Do you know?

MR. DEMPFF: We haven't gotten that far with the site plan approval yet.

MR. GREER: Okay. I would just would encourage the Town to look at the road. Please come down and look at the road. That's all I encourage you right now. Thank you.

SUPERVISOR CUNNINGHAM: Thank you very much.

MR. DEMPFF: If I can, I'd really like to respond to the right-of-way issue. Back, I am sure you probably lived there when they replaced the bridge. Back when they replaced the bridge the Town acquired 60 foot of right-of-way from the Leonards. 60 foot and while the roadway itself is not centered in that 60 foot, there is 60 foot of right-of-way along the entire Leonard property or ex-Leonard property.

GENTLEMAN: Not on both sides there's not. You don't have 60 feet in front of me. Inaudible.

SUPERVISOR CUNNINGHAM: Excuse me, could we hold comment... if you want to make a comment, everyone has an opportunity to come up and speak. Just let him finish his comments and then you can come up and speak.

MR. DEMPFF: Again, what I'm trying to stress is when the Town went to replace the bridge they approached the Leonard family and acquired this area up here and all of the right-of-way required to equal 60 foot was taken on their side of the road along their property. I'm not saying that they acquired 30 and 30. They acquired all the 60 feet right-of-way along their own property... along the Leonard property. So, at least up to this point, our records show that there is 60 foot of right-of-way and whatever it was it was taken out of the Leonard piece. Nothing was taken off of the other side and, again, as residents have mentioned, that means that where the road is situated today adjacent to their properties, it's closer to their properties than it was.

SUPERVISOR CUNNINGHAM: Thank you. Who is next to speak?

DR. LYMAN: Do you want to resolve his question first?

SUPERVISOR CUNNINGHAM: Mark, do you have a year on that?

MR. DEMPFF: Not off the top of my head but I'll find it.

SUPERVISOR CUNNINGHAM: We don't have a year.

DR. LYMAN: I'm Stuart Lyman. I'm 140 Meads Lane which makes me essentially an adjacent landowner. I've basically 3 questions.

One has to do with the intersection of Meads Lane and VanDyke. I guess my question is everybody can acknowledge that that intersection is a disaster. And in fact, it is so bad, it's safe but, I understand the Town in the past has historically looked at a redesign of that intersection and for whatever reason did not act on it. It's not plain to me from the comments and the presentation that referred to active planning going on for that intersection in conjunction with the Town whether the approval of this development is contingent upon solving the problem with that intersection and if so would I, as the neighboring landowner, be... something required of me. And, I don't know at what point in this process that would come to light and when I would hear about it. So, that would be one question.

The other 2 questions, one has to do with surface water runoff. I think I count sitting and looking it appears that they are creating 9 ponds on the site 4 to 6 feet deep. And, I would suggest that by nature they are potential safety hazard unless they are somehow restricted. I understand that these are supposed to be active 55 year olds who may occasionally have grandchildren visiting or live there for a number of years and become less active, more senile more than 55 year olds.

My second is that these standing pools create a public health hazard for insect borne illness and I'm not sure it's a great idea to create 9 standing water ponds within this development of 300 units which says to me protect potentially 600 residents. So, I ask that.

My other question is the curiosity about a water demand per day of 54,000 gallons in a sewage production of 34,000 gallons and where does the other 20,000 go. Thanks.

SUPERVISOR CUNNINGHAM: Thank you, Dr. Lyman. You can just leave it right in there.

MRS. KINCH: Thank you. My name is Marion Kinch. I live at 141 VanDyke Road. I've lived there all but 4 years of my life. So, I think we've lived in the area long enough time to recognize its good points and its bad and...

SUPERVISOR CUNNINGHAM: Could you just use the mike. Thank you.

MRS. KINCH: Yes, not my normal thing here.

SUPERVISOR CUNNINGHAM: I know.

MRS. KINCH: I know they've talked about the road quality and the problems on it and let's face it, there's more accidents than are reported to the police because no one wants a teenager to have a record of being in a ditch, pulled out because they have made a mistake. But, they are also not addressing the fact that that danger zone isn't just at Meads Lane. That danger zone is at both ends of Meads Lane. It's not just VanDyke. If you are going off to Meads Lane from VanDyke to Meads Lane, you have to go to either 32 or Delaware Avenue. There is no other road and if anybody has traveled it, which I'm assuming you have gone through that area if you are looking at developments, you'll notice that the sight visual is both up very steep hills, very limited visual thing and it is 32 main truck driving spot. You have Corning, you have GE, they are... we see a lot of them more than twice a week down our road. They usually stop in front of my house and back up. Somehow their directions stop someplace along the line. So, you have that problem that is going to happen with seniors, with teenagers. You have it the other way for Delaware Avenue. It's not any different. It's a very hilly area. The increase and there will be an increase to our police, to our fire districts that have to be looked at. It isn't just limited to the road that is being built.

The other issues that do come up -- I said we do have very large bicycling... which is important, you know, there is a touring group and they tour at night too. It's just because it's a nice Sunday drive til 9 o'clock. They do wear good gear but it doesn't mean with the rate that you are going to have safety things.

The other thing is that, yes, we have seen the studies for traffic patterns. I've talked to the counters, even on weekends but I think what hasn't been which it was mentioned that... it was asked for an additional study on it because all studies that were done every day wasn't when the increase in the school that just opened, September of 2008. That has not been done. That has increased the teenage level 16, 17, 18, even 19, they are a hazard. I was a hazard, let's face it. Knowing that I think you can't just look at the teenagers and the seniors.

What you are also doing and which, I believe, is supposed to open in 2008 is the grade school. Were any traffic patterns done around the grade school to count what would be the increase in our traffic pattern. Not only that, we have the school buses now come on to the... both VanDyke and onto the extension. So, any study that was done is actually antique already. It's... the reality is it's not current, it doesn't show the traffic pattern... current traffic pattern, not even what will potentially be there.

They talked about the 229 rental units. So, potentially they did talk about it... there's potentially a husband and wife, you've got... another potentially 458 cars. You have other amenities that will happen. So, you are talking a minimum potentially a thousand cars without even it being... at it being addressed at these really dangerous points when they are coming out and where are they coming out. Because where it comes out is just as important because visibility is low from both directions day and night, not just one.

I know you are tired of hearing it but it's important because I've lived there. I've seen a lot of accidents. I've sent a lot of big trucks in the middle of the night back that way. I've had enough sick dogs that I've walked that at 2 o'clock in the morning, 3 o'clock in the morning. I've been out there, I've seen them. I feel safe, let's face it. As we increase the amount of people there I might not feel that way, let's face it as you get more demographics. I think our police do a wonderful job and I feel safe doing this. This has been a great thing for me. As you get more and more people that might go down so actually, you know it's a personal thing, let's face it.

So, we've got that. I have to say we're from a dairy farmer industry so we like the land. We like the part of it but you know we're talking about light pollution. I know people don't address it anymore but it's out there and we lived it and we chose to live in Delmar because of the amenities we have. Because of the quality we have. I cannot see any place in my life that that many people are going to not decrease the quality of it. We look at property values. Our property values... does anyone here honest to goodness want to live next... anybody choose to live next to 229 units and say their property value is going to increase. I don't think so but it is something we look at because we live there. You know, I mean is anybody choosing to have that? You know, no one is disagreeing that development is needed I think it is the volume for the area with what is out there.

And, I have to say I know they... this is a personal thing, I'm sorry, but I knew people that lived in Adams Station and they moved because of the quality of the building, they didn't like it. They didn't think it was up to a standard, especially in Delmar.

The other thing is and I hate to say this but I will because that is who I am, I find it hard that, you know, I talk to my neighbors -- we all work so we don't visit, chat every day -- but this plan has been going on how many years it brought up but who has talked to the people that live there. I haven't seen anybody and I've lived there all but 4 years of my life. I find that pretty scary if people are monitoring and supposed to be looking at the good of the community that the people there count for less than the people that are building. I find that scary because that wasn't what we really built on... we built on the community that you feel that you are part of.

And, so, I'm sorry to take so much time but I think, they are important issues and I think they should be looked at. And, our safety and how we do it. I mean honest to goodness if million dollar houses were going in, I'd be the first one you know say yea go ahead, I'm sure my property will increase. But, the fact of the matter is it is farmland. We like the farmland. Will the seniors like the manure?

SUPERVISOR CUNNINGHAM: Thank you.

MR. TAYLOR: Hello, my name is Greg Taylor. I live on 2 Marvin Avenue, that's the corner of Marvin and Gay off Vadney. I have a couple interests. One is the water and sewer is welcome. Water and sewer coming to the neighborhood and while the roads are all dug up and they are putting a trail in or the bike path in, I'd like to see the water come maybe into our neighborhood. There's a dozen homes or so and of the dozen, you know, somebody might want to go... I don't know how long our wells are going to last so welcome water into the area, especially fire hydrants. You now we have the Wildwood homes there and maybe some more of the Wildwood homes going in and we really need fire hydrants there. So, if you are going to run water, let's run it into the neighborhoods there and at least make it available and it would probably be an individual thing. Most people are happy with their wells. I'm happy with my well and septic but you never know with the wells.

Number 2 is the gas line. Again, as long as they are digging up and putting in the gas lines, we are on oil. Oil is expensive and I don't know how many neighbors would prefer to go to natural gas once that's dug up. But, I'd hate to see the roads dug up and dug up a second time to bring in fire hydrants and things.

So, and then I'd welcome the walking path. I run now and walk a lot and I do take my life into my hands when I go up along the narrow path where it is a steep drop off and there's no where to go. I mean sometimes walk over to the YMCA on Delaware and you know, there's that real narrow section going up the hill where's there's just no place to go. I see close calls all the time but as long as there is a right-of-way and a path extends all the way, that would be great. That's all I have. Thank you.

SUPERVISOR CUNNINGHAM: Thank you very much. Do we have...

Mrs. Kinch: I apologize for coming back. I do apologize for coming back. My name is Marion Kinch. I'm still at 141 VanDyke Road since the last 2 minutes but I think one of the things that I think is important that I haven't heard brought up and I think it has to be considered is that we do live on well water and I have seen and because of the shortage of water and that we buy it – and some comes out of the Hudson for some of the businesses – what's being done that would protect our quality of our water? We like our water. It is good water. I have seen nothing and heard nothing, maybe I missed it I'm sorry, that is addressing our quality of water. Apologize for coming back.

SUPERVISOR CUNNINGHAM: Thanks, thank you. Put it right back in the stand there if you could, thank you. Just shove it in there. There you go excellent. Thank you very much. How you doing?

MR. KEENAN: Good.

SUPERVISOR CUNNINGHAM: Good to see you.

MR. KEENAN: How are you Jack?

SUPERVISOR CUNNINGHAM: Very well, thanks.

MR. KEENAN: John Keenan, 790 Route 9W in Glenmont. Just to make one comment about the school district and growth. Having read the latest school district newsletter, they are expecting a 5 to 8 percent decrease in students. So, that part who knows that is going to happen but you are developing for 229 apartment for seniors so there is not going to be an influx of kids there.

But, my main comment at this point is if I figure right, based upon the price per square foot that you quoted earlier, 800 square feet is going to be \$920 a month. Now there's going to be a lot of seniors that aren't going to be able to meet that. And, if you go up to 1200 square feet, you're looking at a \$1400 a month bill. They might as well stay in their homes.

SUPERVISOR CUNNINGHAM: Thank you, John. Good evening.

MR. VADNEY: Good evening, my name is Jeff Vadney. I reside at 59 Vadney Road in Delmar. I'm adjacent landowner. I have a piece of property that actually sticks out like a peninsula into this development. Most of my neighbors have done a pretty good job of covering a lot of the questions I had. And, I actually just had a brief discussion with Mr. Sagendorph on the VanDyke Road. One thing they haven't mentioned is that it is not a very good road physically. Okay, it would have to be completely rebuilt to handle this kind of traffic. I've dug it up myself personally. It's a little blacktop, a little stone and a clay base. It's not in great shape, the physical shape hadn't been mentioned.

And to clarify Bruce Davis's point and to what Mark was saying, there may be a 60 foot right-of-way along the property that Leonard owns, the former Leonard farm, but they did not own all the way back to, say, the bypass extension. Somewhere in front of Bruce's house there are homes on both sides and that's where the right-of-way really narrows down. And, just so there is no confusion on that.

Also on Mark's opening statement, he mentioned that the development is going to envelope 4 residences... he used the word residences quite frequently and it is in a residential zone. I just want to make it clear to everybody that the Leonard parcel was in the Ag District before it was sold and is currently surrounded by 4 working farms that are also in the Ag District. Okay, the Vadney farm, the Waldenmaier farm, Preska's and Mr. Lyman's. Okay, so it is going to be in the center of a more or less an Agricultural District even though you have zoned it residential, okay.

Like I said most of my questions were answered but because this is for seniors. I know some of our assistive living facilities have gotten a tax break from the Town to get started, will they be getting any kind of a tax break because of the senior citizen?

SUPERVISOR CUNNINGHAM: No, this is not an IDA project. No.

MR. VADNEY: Okay, thank you.

SUPERVISOR CUNNINGHAM: Thank you.

MRS. CAPONE: It's very beautiful to see all the community is all going together to try to save themselves against the Town. It's beautiful, you impress us a lot.

MR. HARTE: Guess I'm gong to have to disappoint you. My name is Richard Harte. I've been a resident of Elsmere for 40 years. I'm one of those terrible senior citizens and I can still determine red from green and yellow.

I think the main problem that we are all addressing here... number 1 the issue is we're looking for housing for the seniors. If I own property on VanDyke or on Meads Lane, I would be impassioned as any of you would be in seeking protection for my property.

SUPERVISOR CUNNINGHAM: Could you speak into the microphone, please?

MR. HARTE: However... yep, however, I think something has to be done for the seniors also. We commented very much about the road condition. The road condition is not going to change whether there is senior housing built there or there is million dollar mansions built there or there's multiple complexes built there of just individual houses. There's still going to be the same condition with the road. The road will have to be repaired.

There's also a lot of comments been made about the bicyclists. That is not a bicycle trail. They have to... it is not a bicycle trail. They do not have the exclusive right. I go there frequently. I've walked there. I've gone up and down those trails. I've seen them come 10 abreast up the hill, God forbid there is a car over the top of that hill because they are right across the road. They have to observe the rule like everyone else. They can't have the whole road. Okay.

The issue was made about standing water. I'm not sure if the water is going to be standing or not. Did you not say it was going to be swales? Will that be water that drains off? It will not be stagnant pools of...

MR. DEMPFF: Inaudible.

MR. HARTE: There will be both. Okay. Well, I'll make sure I do not trip into those drastic things and drown unless there happens to be a red light there or something that I can't see.

Okay. But again the whole issue is about the road. The road has got to be fixed regardless who is driving on there. If it is somebody like me a senile, 72 year old person driving down the road, you know, it's got to be addressed. The road is the issue.

Bottom line is it's a good project, I like it, however it's not affordable and I could never live there. Thank you.

SUPERVISOR CUNNINGHAM: Thank you very much. Are there other comments from the public on the Planned Development District?

MR. JOHN VADNEY: I'm John Vadney. I own the property immediately to the east of this probably about 1,000 to 1,200 foot line. My main concern is what is going to happen to this storm... flash stormwater? You can put these ponds in and say what you want. What happens to them, is all you got to do is go up to Delmar Place and look. They grow cat tails, the cat tails die they fall in the pond, the pond is an inch shallower next year. Next year it's another inch shallower so that 10 years from now, it doesn't hold any water and it doesn't hold any water back. It just runs and it's all running on me the way they've got it. If they want do this, I am a plumber and I can tell you water runs down hill. Let them run it on their own property. They've got probably a deeper depth on the west side of the development than they have on the east. So, if they want to run the water somewhere, run it over there. There's no reason why they should run it on me.

They've already been running it from Adams Station onto my property on the west side and I can tell you that a ditch that 20 years ago you could walk across on a 10 inch wide 20... 15 foot long plank you can't see the top of the bank there now. Anyone that would like to stop at my place and walk down in there, bring your boots and I'll show you. And, the same thing will happen on my other property line and I don't want it. And, I don't see why it should be considering this water can go the other way. That's all... that's my main concern.

SUPERVISOR CUNNINGHAM: Thank you. What do you need?

MRS. STEVENS: It's a little high.

SUPERVISOR CUNNINGHAM: Well, you can hold onto it or... there you go.

MRS. STEVENS: Hi, I'm Fran Stevens. I'm at 167 VanDyke and so we're an adjacent property owner, have been there for almost 35 years which is hard to believe.

I really realize the need for senior housing in our neighborhood and I would like to see it happen. I would like to see it happen in a good way. I am concerned and I don't want to repeat things that have been said but certainly a new transportation study is absolutely required and the second issue has to do with the sidewalk

system that is being built by the developer that does not... is not under, as I understand, the developer's jurisdiction to connect that sidewalk system to the current sidewalk system which covers... which goes across private property at the end of the developer's area that goes into the bypass extension. So, I think the Town also has to think about either talking to a number of neighbors who own that property and if you are talking about a large trail, these people are not going to be very happy and I understand this is something you just have to think about because to make the sidewalk system as part of the development and not continue it onto the bypass extension would be fruitless because then you'd be putting people out... back out onto that narrow road and even though the road may be widened as a result of this transportation study that I hope we are all going to do, you're still talking about needing to take some eminent domain and that is just a consideration.

And, my real concern has to do with the issue that was raised, is what is going to be the Town's position when the developer cannot fill these rental properties at the prices that are being proposed? If it's empty, we as landowners on VanDyke Road are going to be faced with a semi-occupied development because someone can't afford it. And, that's not going to be good for the Town and it's not going to be good for us. So, I think there has to be some contingencies that we all need to know about if, in fact, seniors can't afford your prices. What's the Town going to do and how are we all going to be involved that we don't end up with vacant run down property which nobody wants and so that it doesn't change the nature of what you wanted to have to begin with. So, there has to be some contingencies built in because we're really concerned that, in fact, you are not going to be able to fill this property as you've proposed and then what, we as neighbors going to be stuck with.

SUPERVISOR CUNNINGHAM: Other comments on the VanDyke Spinney zone change request.

MR. STEVENS: My name is Dennis Stevens. I also reside at 167 VanDyke Road. My wife went first, as usual. I have a number of the same concerns that people have spoke with regard to tonight. But, let me address one issue that I don't think has been highlighted and that is density.

I'm not sure that it is written anywhere that this project needs to be configured as densely as it is, especially at its northern end -- the end that is to your right on that map. If the buildings to your right were pulled back off of VanDyke Road and there were more wooded area -- that's a heavily wooded area -- and there were more wooded area left, I think that accomplishes a number of things both for the neighborhood and also for the developer. If the developer doesn't have attractive and well sited units to rent, then our worst fears might happen as mentioned by Fran. So, I have concern about the density and that's not the only area where density needs to be looked at.

My second concern is when John Vadney did a much better job than I of pointing out I couldn't understand when we went to a small gathering, organized by the developer, why the developer was allowing runoff water to runoff on Vadney and other property when with appropriate piping and storm sewer work the developer could take care of that on his own property and divert the water and any runoff to the Phillipin Kill. The developer has actually a great site with which to do that and take all the runoff water and transition it to the Phillipin Kill.

The last has to do with where we go from here. As I understand it, this Board will take action with respect to this Planned Development and make a number of recommendations or suggestions to both your staff and the Planning Board as to how the project should proceed. This Board retains a great deal of responsibility given this scenario. And, I think the Board should be actively engaged in ensuring that the project is done well. If the project goes forward, I think it is extremely important that it be done well and that the issues that we've talked about tonight -- the transportation issues, the roadway, the drainage issues, we had lighting as a concern before and I noticed that the gentleman mentioned it tonight -- that those issues be addressed and be addressed well and that people pay a great deal of attention to how this project moves forward.

One other observation, I served on the Bethlehem School Board for 11 years and while I appreciated the comments earlier about this being housing for those 55 and above. I've yet to see a development of any type that didn't impact the school district. And, this is actually a very quick... quick set of dominoes. There are attempting to attract and will probably attract individuals in Bethlehem who are going to leave their single family homes and move into this style housing and, that will be attractive to some. But, the immediate domino is that opens their single family home which currently has no children in it to families with children. So while I don't throw it out as an absolute impediment to development, to think that any development does not have an impact on the school district is very short sighted. This one in particular is a very short domino and it happens and it happens very quickly.

The roadway as others have mentioned at length is very dangerous. I've replaced a set of 3 mailboxes at the end of my road, 4 times that I am aware of. Every 4 years or so somebody runs right straight threw them. It is a dangerous road. All of the aspects of the road mentioned before need to be looked at and addressed.

And, then back to one item I heard mentioned by the developer but I had not heard before tonight – and that is that he said that water, sewer and gas would be available to adjoining and adjacent residences. And, then had a neighbor from over in Vadney mention that as well. I think that it's extremely important as a development like this comes into a neighborhood that there be some attempt made to add to the ability of the neighbors to sustain their properties. Having the water and sewer and natural gas may very well be an attractive thing to a number of residences along VanDyke Road and in the Vadney Lane and Gay and Marvin area. And, the Town also has some responsibilities there certainly with respect to the water and sewer and also with respect to any discussions with the Building Department and the gas supplier.

So, that said, I come back to the Board's responsibility. You have a responsibility to ensure it's a good project and it's a viable project. You have to work hand-in-hand with the residents and the developer. I'm concerned that I haven't seen more real planning done before now with respect to the project. So, that's said, I'll rest. Thank you.

SUPERVISOR CUNNINGHAM: Thank you very much. .

MR. JOEL VADNEY: Good evening. Joel Vadney, 81 Vadney Road, adjacent landowner. One thing that was mentioned by my brother is you're surrounded by Ag with this development. So that means everybody around you is running equipment, having animals, just want you to make you aware of that.

The other thing everybody talks about the roads, they are going to have to be updated, storm drainage, sidewalks. I just would like to know that the developer is going to put the whole bill for that and not find out that the Town of Bethlehem is going to be doing any of that. You know, Town of Bethlehem is all of us, we all pay the taxes but if a development is going to go in a development is going to go in. But, as long as they foot the bill and not 5 years down the road something else needs to be done because of the development that we as taxpayers aren't paying for it. Thank you.

SUPERVISOR CUNNINGHAM: Thank you very much. Do I have other residents that would like to comment? Okay. At this point, I'm going to ask for a motion to close the public hearing.

The motion was made by Mr. Plummer and seconded by Mrs. Dawson to close the public hearing at 7:30 p.m. The motion was passed by the following vote:

Ayes: Mr. Cunningham, Mr. Plummer, Mr. Messina, Mr. Kotary, Mrs. Dawson.
Noes: None.
Absent: None.

Town Clerk

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The Supervisor indicated he was going to allow written comment to come in after this point if it can be submitted to the Town Clerk for the record if anyone wants to send additional written information into the Town Clerk for this public hearing, please do so. Supervisor Cunningham said the written comments will be accepted up to 2 weeks from today, December 12, 2007.

The motion was made by Mr. Messina and seconded by Mr. Kotary to approve keeping the record open until December 12, 2007 for written comments to be submitted to Town Clerk, Kathleen A. Newkirk, MMC, RMC. The motion was passed by the following vote:

Ayes: Mr. Cunningham, Mr. Plummer, Mr. Messina, Mr. Kotary, Mrs. Dawson.

Noes: None.

Absent: None.

Supervisor Cunningham as if there was any public comment on non-agenda items. Mrs. Capone said she will be fast because Jeopardy is on. She said she wanted to talk about Gregg Sagendorph. She said Sam Messina was paid to go look at all the departments and give his opinion on it. Gregg Sagendorph's department in his opinion was like that... nobody wanted to go against Gregg at election time so let's face it, he own it, he did it, we're pleased with him and that's the way it is. Supervisor Cunningham congratulated Mr. Sagendorph on his election.

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Ms. Linda Jasinski said she did not want to disappoint the Supervisor, so she came up to try the new mike system and noted it is working much better. Supervisor Cunningham thanked Ms. Jasinski.

Ms. Jasinski also commented everyone leaves after they have their little public hearing. She noted there were only a few more things on the agenda and wished they would have stayed to see the rest of the meeting. The Supervisor thanked Ms. Jasinski.

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The Supervisor asked if there were any other comments on non-agenda items. There were none.

The Supervisor asked for a motion to adjourn to Executive Session to discuss decision on a certeriary.

The motion was made by Mr. Plummer and seconded by Mr. Messina to approve adjourning to Executive Session to discuss decision on a certeriary. The motion was passed by the following vote:

Ayes: Mr. Cunningham, Mr. Plummer, Mr. Messina, Mr. Kotary, Mrs. Dawson.

Noes: None.

Absent: None.

The motion was made by Mr. Kotary and seconded by Mrs. Dawson to adjourn the regular Town Board meeting at 7:32 p.m. The motion was carried by the following vote:

Ayes: Mr. Cunningham, Mr. Plummer, Mr. Messina, Mr. Kotary, Mrs. Dawson.

Noes: None.
Absent: None.

Town Clerk

EXECUTIVE SESSION

The motion was made by Mr. Kotary and seconded by Mr. Plummer to approve the certinary settlement with Isenberg v. Town of Bethlehem. The motion was passed by the following vote:

Ayes: Mr. Cunningham, Mr. Plummer, Mr. Messina, Mr. Kotary, Mrs. Dawson.
Noes: None.
Absent: None.